

**LOCAL RULES  
OF THE  
UNITED STATES  
BANKRUPTCY COURT  
FOR THE  
DISTRICT OF KANSAS**

**Robert E. Nugent  
Chief Judge**

**James A. Pusateri  
Judge**

**John T. Flannagan  
Judge**

**Janice Miller Karlin  
Judge**

**EFFECTIVE MARCH 17, 2003**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS**

**ORDER OF ADOPTION**

Pursuant to the authority vested in this Court by Rule and Statute;

**IT IS ORDERED** that the rules attached hereto and designated "Local Rules of the United States Bankruptcy Court for the District of Kansas" are adopted and shall become effective March 17, 2003, and shall supersede the Court's existing rules and standing orders which are repealed effective March 17, 2003.

**DATED** this 31st day of January, 2003.

/s/ Robert E. Nugent  
**ROBERT E. NUGENT, CHIEF JUDGE**

/s/ James A. Pusateri  
**JAMES A. PUSATERI, JUDGE**

/s/ John T. Flannagan  
**JOHN T. FLANNAGAN, JUDGE**

/s/ Janice Miller Karlin  
**JANICE MILLER KARLIN, JUDGE**

**ATTEST:**

/s/ Fred W. Jamison  
**FRED W. JAMISON, CLERK**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS  
IN THE MATTER OF RULES OF PRACTICE  
AND PROCEDURE IN THIS COURT  
MEMORANDUM AND ORDER**

By means of this Memorandum and Order, the Judges of this Court express their appreciation to the members of the Rules Committee appointed to make recommendations on possible revisions of the Local Rules of Practice and Procedure.

The individuals composing the committee devoted many days to the study of the existing local rules, the applicable federal statutes and rules, and the rules of other United States Bankruptcy Courts.

The development of the Local Rules of the United States Bankruptcy Court for the District of Kansas was not an easy task and the Rules Committee performed their task competently, unselfishly, and in the best tradition of the legal profession.

IT IS, THEREFORE, ORDERED that the Clerk file this Memorandum and Order as a permanent record of the Court and that he deliver an attested copy to each member of the committee, namely:

**Jan M. Hamilton, Chairman**

**Carl R. Clark**

**William H. Griffin**

**Patricia E. Hamilton**

**Mary Patricia Hesse**

**Emily B. Metzger**

**J. Michael Morris**

**Joyce G. Owen**

**Steven R. Rebein**

**Patricia A. Reeder**

**Joseph I. Wittman**

**DATED this 31st day of January, 2003.**

/s/ Robert E. Nugent

**ROBERT E. NUGENT, CHIEF JUDGE**

/s/ James A. Pusateri

**JAMES A. PUSATERI, JUDGE**

/s/ John T. Flannagan

**JOHN T. FLANNAGAN, JUDGE**

/s/ Janice Miller Karlin

**JANICE MILLER KARLIN, JUDGE**

**ATTEST:**

**/s/ Fred W. Jamison**  
**FRED W. JAMISON, CLERK**

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**\* \* \* \* \***

**BANKRUPTCY CLERK**

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401 North Market  
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(316) 269-6486**

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240 U.S. Courthouse  
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(785) 295-2750**

**Kansas City Clerk's Office  
161 U.S. Courthouse  
500 State Avenue  
Kansas City, Kansas 66101  
(913) 551-6732**

## PREFACE

Counsel who are unfamiliar with Kansas bankruptcy practice may find some helpful information in this preface to *The Rules of Practice and Procedure of the United States Bankruptcy Court for the District of Kansas*.

### 1. Background

The Bankruptcy Code consists of amendments to the Bankruptcy Reform Act of 1978, P.L. 95-598, Title I, Sec. 101, 92 Stat. 2549, enacted into positive law November 6, 1978, effective October 1, 1979. Since its enactment, Congress has amended this law many times.

In 1982, the Supreme Court declared the jurisdictional support for the 1978 Act unconstitutional in *Northern Pipeline Const. Co. v. Marathon Pipe Line Co.*, 458 U.S. 50 (1982). It did so because 28 U.S.C. § 1471(c) invested non-Article III bankruptcy courts with powers exercisable only by Article III courts.

After *Marathon*, the bankruptcy system operated under an Emergency Rule promulgated by the Judicial Conference of the United States until 1984 when Congress enacted corrective legislation in the form of 28 U.S.C. § 1334, which states:

- (a) Except as provided in subsection (b) of this section, the district courts shall have original and exclusive jurisdiction of all cases under title 11.
- (b) Notwithstanding any Act of Congress that confers exclusive jurisdiction on a court or courts other than the district courts, the district courts shall have original but not exclusive jurisdiction of all civil proceedings arising under title 11, or arising in or related to cases under title 11.

Hoping to cure the constitutional infirmity, Congress also declared that bankruptcy judges would "constitute a unit of the district court to be known as the bankruptcy court for that district." 28 U.S.C. § 151.

To transfer the bankruptcy power to the bankruptcy courts, the 1984 amendments provided through 28 U.S.C. § 157(a) that, "[e]ach district court may provide that any or all cases under title 11 and any or all proceedings arising under title 11 or arising in or related to a case under title 11 shall be referred to the bankruptcy judges for the district."

In Kansas, 28 U.S.C. § 157(a) has been implemented by a Standing Order dated August 1, 1984 (effective July 10, 1984). However, the order itself does not appear in the *Rules of Practice and Procedure of the District Court*. Rather, it is mentioned in District Court Rule 83.8.5 entitled "Clarification of General Reference to Bankruptcy Judges." The exact text of the standing order reads:

### STANDING ORDER

Pursuant to Sec. 104 of the Bankruptcy Amendments and Federal Judgeship Act of 1984, 28

U.S.C. Sec. 157, this court refers all cases under Title 11, and any and all proceedings arising under Title 11, or arising in or related to a case under Title 11, to the bankruptcy judges for the District of Kansas, for consideration and resolution consistent with the law. The Court recognizes the exception contained in Sec. 157(b)(5).

IT IS HEREBY ORDERED that the Bankruptcy judges for the District of Kansas be and they hereby are directed to exercise the authority and responsibilities conferred upon them by the Bankruptcy Amendments and Federal Judgeship Act of 1984.

IT IS FURTHER ORDERED, effective as of July 10, 1984, that any and all cases under Title 11, and any and all proceedings arising under Title 11, be and hereby are referred to the bankruptcy judges of the District of Kansas for consideration and resolution consistent with the law.

Dated this 1st day of August, 1984.

## **2. Hierarchy of Rules.**

The following hierarchy of rules underlie and aid the application of the statutory bankruptcy law:

*The Federal Rules of Civil Procedure*

*The Federal Rules of Evidence*

*The Federal Rules of Bankruptcy Procedure*

*The Rules of Practice and Procedure of the United States District Court for the District of Kansas*

*The Rules of Practice and Procedure of the United States Bankruptcy Court for the District of Kansas*

*Bankruptcy Court Standing Orders*

*Procedural Guidelines of Individual Bankruptcy Judges*

*The Federal Rules of Civil Procedure* apply in bankruptcy adversary proceedings through Rule 7001 and in contested matters through Rule 9014 of *The Federal Rules of Bankruptcy Procedure*.

*The Federal Rules of Evidence* state in Rule 101: "These rules govern proceedings in the courts of the United States and before United States bankruptcy judges . . . to the extent and with the exceptions stated in rule 1101."

The following terms of Rule 83 subsection (1) of the *Federal Rules of Civil Procedure* permit district courts to enact local rules:

Each district court, acting by a majority of its district judges, may, after giving appropriate public notice and an opportunity to comment, make and amend rules governing its practice. A local rule shall be consistent with—but not duplicative of—Acts of Congress and rules adopted under 28 U.S.C. § 2072 and 2075, and shall conform to any uniform numbering system prescribed by the Judicial Conference of the United States. A local rule takes effect on the date specified by the district court and remains in effect unless amended by the court or abrogated by the judicial council of the circuit. Copies of rules and amendments shall, upon their promulgation, be furnished to the judicial council and the Administrative Office of the United States Courts and be made available to the public.

(*Emphasis added*).

Accordingly, in Kansas the Court has enacted *The Rules of Practice and Procedure of the United States District Court for the District of Kansas* to assist litigants.

Next in the hierarchy are *The Federal Rules of Bankruptcy Procedure*. They find their source in 28 U.S.C. § 2075 which provides:

The Supreme Court shall have the power to prescribe by general rules, the forms of process, writs, pleadings, and motions, and the practice and procedure in cases under title 11.

Such rules shall not abridge, enlarge, or modify any substantive right.

The Supreme Court shall transmit to Congress not later than May 1 of the year in which a rule prescribed under this section is to become effective a copy of the proposed rule. The rule shall take effect no earlier than December 1 of the year in which it is transmitted to Congress unless otherwise provided by law.

Rule 9029(a)(1) of *The Federal Rules of Bankruptcy Procedure* authorizes the District Court to adopt local rules relating to bankruptcy:

Each district court acting by a majority of its district judges may make and amend rules governing practice and procedure in all cases and proceedings within the district court's bankruptcy jurisdiction which are consistent with—but not duplicative of—Acts of Congress and these rules and which do not prohibit or limit the use of Official Forms. Rule 83 F. R. Civ. P. governs the procedure for making local rules. A district court may authorize the bankruptcy judges of the district, subject to any limitation or condition it may prescribe and the requirements of 83 F. R. Civ. P., to make and amend rules of practice and procedure which are consistent with—but not duplicative of—Acts of Congress and these rules and which do not prohibit or limit the use of the Official Forms. Local Rules must conform to any uniform numbering system prescribed by the Judicial Conference of the United States.

Rule 9009 of *The Federal Rules of Bankruptcy Procedure* fixes the responsibility for *Official Bankruptcy Forms*:

The Official Forms prescribed by the Judicial Council of the United States shall be observed and used with alterations as may be appropriate. Forms may be combined and their contents rearranged to permit economies in their use. The Director of the Administrative Office of the United States Courts may issue additional forms for use under the Code. The forms shall be construed to be consistent with these rules and the Code.



To effectuate *Federal Rule of Bankruptcy Procedure* 9029, Rule 83.8.12 of *The Rules of Practice and Procedure of the United States District Court* provides: "The Bankruptcy Court may adopt supplemental Local Rules not inconsistent with these District Court Rules, the Bankruptcy Rules, or Title 11 or Title 28 of the United States Code."

*The Rules of Practice and Procedure of the United States Bankruptcy Court for the District of Kansas* flow from the outlined authorities and the efforts of the members of the Bankruptcy Rules Committee, which periodically reviews and revises the bankruptcy rules.

*Bankruptcy Court Standing Orders* supplement the rules on administrative issues primarily. The standing orders appear at the end of the rules, but there may be additional standing orders that are not published herein. Counsel can obtain any such additional standing orders from the Clerk of the Bankruptcy Court.

*Procedural Guidelines of Individual Bankruptcy Judges* are also published to aid counsel on procedural matters when practicing before a particular judge. Counsel may obtain the guidelines of a particular judge from the Deputy Clerk where the judge presides.

The Rules, Standing Orders, and Procedural Guidelines can also be electronically accessed through the court's website, [www.ksb.uscourts.gov](http://www.ksb.uscourts.gov), and through PACER.

### **3. Applicability of District Court Local Rules**

The bankruptcy court is a unit of the district court and these rules merely supplement the district court rules. This means counsel in bankruptcy proceedings must follow the district court rules relating to bankruptcy (D. Kan. Rules 83.8.1 through 83.8.13) and, where applicable, the other district court rules. Attorneys who are not admitted to practice before the federal courts in Kansas should note carefully and follow closely D. Kan. Rules 83.5.1 through 83.6.12 on the responsibility, registration, appearance, and withdrawal of counsel.

Finally, D. Kan. Rules 83.8.1 through 83.8.13 are devoted to bankruptcy topics on withdrawal of reference, removal, abstention, jury trial, and appeal of bankruptcy cases from the Bankruptcy Court to the 10<sup>th</sup> Circuit Bankruptcy Appellate Panel or the United States District Court.

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## **LBR 1001.1**

### **SCOPE OF RULES; CITATION**

**(a) Authority.** These supplemental rules are promulgated under the authority of Fed. R. Bankr. P. 9029 and D. Kan. Rule 83.8.12. To the extent not provided by more specific Fed. R. Bankr. P. or D. Kan. LBR, practice before this court is governed by applicable D. Kan. Rules. See D. Kan. Rule 83.8.2.

**(b) Citation.** These rules are cited as D. Kan. LBR 1001.1, e.g.

**(c) Modification.** These rules are, in special cases, subject to such modification as the court may deem necessary or appropriate to meet emergencies or to avoid injustice or great hardship.

## **LBR 1004.1**

### **PARTNERSHIP AND CORPORATE PETITIONS**

The petition of a partnership or corporation must not be combined with the petition of any individual or other entity.

## **LBR 1005.2**

### **CAPTIONS; CASE NUMBERING SYSTEM**

**(a) Captions.** In addition to meeting the requirements of Fed. R. Bankr. P. 1005 and Bankruptcy Official Form 16A or 16B, as applicable, the caption of each petition must state: the full and correct name of the debtor, whether individual, partnership, or corporation, e.g. John Quincy Smith, John Q. (MIO) Smith or John (NMN) Smith.

**(b) Case Numbering System.** Each case when filed is assigned a number by the clerk, which begins with a two-digit indicator of the year in which the case was filed, followed by a hyphen and the individualized case number of five digits. The five-digit individualized case numbers are as follows:

- Wichita cases "1", e.g. 03-10001;
- Kansas City cases "2", e.g. 03-20001; and
- Topeka cases "4", e.g. 03-40001.



## **LBR 1006(b).1**

### **FILING FEES**

Installment payment of filing fees may be permitted by the court as provided by Fed. R. Bankr. P. 1006(b)(1). The clerk will not accept checks issued by a debtor for filing fees. The clerk must promptly advise a bankruptcy judge if a check given by an attorney for the debtor's filing fee is not honored.

## **LBR 1007.1**

### **INITIAL FILINGS**

**(a) Assembly of Petition and Accompanying Papers.** Petitions, schedules and statements of affairs and lists of creditors must conform to the Official Bankruptcy Forms and be printed on one side of the paper only. All original documents and pleadings filed with the court must be 2-hole punched at the top and must **not** be stapled. Copies may be stapled together for distribution.

(1) Voluntary petitions and accompanying papers must be assembled in the following order:

- (A) petition (including certified copy of corporate resolution in corporate cases);
- (B) signature page;
- (C) statement of financial affairs;
- (D) declaration under penalty of perjury on behalf of a corporation or partnership (if applicable);
- (E) exhibit A (if debtor is a corporation filing under chapter 11);
- (F) list of creditors holding 20 largest unsecured claims (in chapter 11);
- (G) schedules A through J;
- (H) summary of schedules;
- (I) declaration concerning debtor's schedules;
- (J) chapter 7 individual debtor's statement of intention; and
- (K) Rule 2016(b) statement of attorney compensation.

(2) The following documents must **not** be stapled to the petition:

- (A) application to pay filing fees in installments (if applicable);
- (B) matrix;
- (C) matrix verification; and plan (if submitted when petition is filed in chapters 11, 12 and 13).

**(b) Matrix.** Every petition must be accompanied by a matrix in a form prescribed by the clerk and adopted by D. Kan. Bk. S.O. 02-1. Names and complete addresses of creditors must be listed in alphabetical order. The first and succeeding pages of the matrix must list on the reverse side of the page the name of the debtor.

Every matrix, whether original or amended, must be signed and verified as provided in Fed. R. Bankr. P. 1008.

**(c) Creditors' Schedules.** Creditors must be listed alphabetically with the full address of each, including post office box or street number, city or town, state and zip code. If it is known that the account or debt has been assigned or is in the hands of an attorney or other agency for collection, the full name and address of such assignee or agent must be set forth, but without twice extending the dollar amount of the debt. Each entry required by this subsection must be separated by two spaces from the next succeeding entry. If the United

States is listed as a creditor, the agency must be noticed as provided by D. Kan. Bk. S.O. 02-2.

**(d) Schedule of Current Income and Expenses of Individual Debtors.** Spousal income and expenditures must be completed in all cases filed by joint debtors and by a married debtor, whether or not a joint petition is filed, unless the spouses are separated and a joint petition is not filed.

**(e) Copies.** Unless otherwise ordered by the court, the combined number of the executed original and conformed copies of initiatory petitions and accompanying statements, lists and schedules is:

- original and 3 copies in chapters 7 and 13;
- original and 4 copies in chapter 12;
- original and 5 copies in chapters 9 and 11.

## **LBR 1009.1**

### **AMENDMENTS OF VOLUNTARY PETITIONS, LISTS OF CREDITORS, SCHEDULES AND STATEMENTS**

(a) **Caption Sheet.** In addition to the requirements of Fed. R. Bankr. P. 1009, all amendments to a voluntary petition, list, schedule or statement must contain a caption sheet titled "AMENDMENT TO (name petition, statement, list, schedule or statement being amended)."

(b) **Content of Amendments.** An amendment to the list of creditors is limited to information pertaining to only the amended creditors.

(c) **Noticing of Amendments.** In addition to the requirements of Fed. R. Bankr. P. 1009, the clerk or such party as the court orders must forthwith mail to any creditor added by the amendment a copy of the initial notice of the meeting held under §341 of the Code, together with a statement advising of the amendment to the list of creditors and the date the amendment was filed.

(d) **Signature.** An amendment must be signed and verified in the same manner required for originals.

(e) **Additional Filing Fees.** An amendment to schedules or lists of creditors must be accompanied by the applicable filing fee as prescribed by the Administrative Office of the United States Courts as of the date of the filing of the amendment.

(f) **Supplement to the Mailing Matrix.** If an amendment contains an additional creditor, the debtor must submit a supplemental mailing matrix listing only the additional creditor, in the same manner required by D. Kan. LBR 1007.1.

## **LBR 1017.1**

### **TRUSTEE'S DUTIES UPON CONVERSION**

Upon conversion, an appointed trustee must furnish to the successor appointed trustee a copy of any documents in the trustee's file necessary to efficient case administration, including:

- petition;
- schedules and statement of affairs;
- filed claims; and
- stay relief pleadings.

## **LBR 1072.1**

### **COURT LOCATIONS**

The United States Bankruptcy Court for the District of Kansas is in continuous session for transaction of judicial business on all business days throughout the year at the Kansas City, Topeka and Wichita Divisions. The court may conduct special sessions of court at other locations within the district.

## **LBR 1073.1**

### **ASSIGNMENT OF CASES**

(a) **Initial Assignment of Cases.** The clerk will assign cases to the Kansas City, Wichita and Topeka divisions, respectively, based on where the commencement filing is made.

(b) **Reassignment of Cases.** A bankruptcy judge, in the interest of justice or to further the efficient disposition of court business, may return a case in whole or in part to the clerk for reassignment to another bankruptcy judge as directed by the Chief Bankruptcy Judge.

(c) **Judicial Business.** Administration of the judicial business of the court is the responsibility of the Chief Bankruptcy Judge.

## **LBR 2002.1**

### **NOTICE TO CREDITORS AND OTHER INTERESTED PARTIES**

**(a) General.** Notices served by the clerk are generally mailed by the Bankruptcy Noticing Center (“BNC”).

**(b) Undeliverable notices.** A matrix that does not comply with the requirements of D.Kan. LBR 1007.1 and any applicable Standing Order may cause certain notices to be undeliverable by the BNC. The clerk, or some other person as the court may direct, will notify the debtor's attorney, or the debtor if not represented, of any undelivered notices, together with the underlying matrix deficiency (e.g. incomplete address, missing zip code). Within 5 days after notification, the debtor's attorney, or the debtor if not represented, must:

- (1) file a corrected matrix;
- (2) serve any undelivered notices to all parties not served by the BNC; and
- (3) file a certificate of service of the same.



## LBR 2014.1

### APPLICATION FOR EMPLOYMENT OF PROFESSIONALS

**(a) Trustee/Debtor-in-Possession's Application to Employ Attorney to Conduct Chapter 11 Case.** [Fn1] Under §327 of the Code, a trustee/debtor-in-possession may employ attorneys to conduct the chapter 11 case. To do so, the trustee/debtor-in-possession must file *with the petition* an application to employ attorneys to conduct the case.

(1) The application must include the following information for *the firm and for each individual* attorney who will appear before the court in the conduct of the case:

- (A) the attorney's name, address;
- (B) specific facts showing the necessity for the employment;
- (C) the reasons for the selection;
- (D) the professional services to be rendered; and
- (E) any proposed arrangement for compensation.

(2) The application must be accompanied by the statement of compensation paid or agreed to be paid required by § 329 of the Code---Official Bankruptcy Form B203, Disclosure of Compensation of Attorney for Debtor.

**(b) Accompanying Affidavit.** The application must be accompanied by a separate affidavit signed by *each* individual attorney who will appear before the court in the conduct of the case, stating:

- (1) that the attorney is disinterested;
- (2) that the attorney does not hold or represent an interest adverse to the estate;
- (3) a description of the inquiry made to determine that the attorneys who will appear before the court in the conduct of the case and all the members of the firm do not hold or represent an adverse interest to the estate and are disinterested persons;
- (4) the firm's and the attorney's connections with the debtor, creditors, any other party in interest, their respective attorneys and accountants, the United States trustee, or any person employed in the office of the United States trustee;
- (5) the attorney understands that there is a continuing duty to disclose any adverse interest and change in disinterestedness; and
- (6) the attorney understands that the court's approval of the application is not approval of any proposed terms of compensation and under § 328(a) of the Code the court may allow compensation on terms different from those proposed.

**(c) Notice and Certificate of Service.** The application must be accompanied by a Notice with Opportunity for Non-Evidentiary Hearing or Notice with Objection Deadline in accordance with the noticing guidelines applicable to the division and judge to whom the case is assigned and must contain a certificate evidencing service of the application, the affidavits, and the notice upon the required parties.

**(d) Service.** The application, attorney affidavits, and notice must be served forthwith upon the following:

- (1) the United States trustee;
- (2) all creditors holding secured claims;
- (3) all parties requesting notice; and
- (4) any operating creditors' committee, or if none, upon the List of Creditors Holding 20 Largest Unsecured Claims--Official Bankruptcy Form 4.

(e) **Objections.** Interested parties must object to the application within 20 days. If no objection to the application is timely filed, the court may forthwith approve the attorney's employment to represent the trustee/debtor-in-possession.

(f) **Proposed Order Approving Employment.** The trustee/debtor-in-possession must submit with the application a proposed Order Approving Employment in accordance with the noticing guidelines for submission of orders applicable to the division and judge to whom the case is assigned. The proposed order must acknowledge that:

- (1) the court's approval of an application in which a professional states an intention to be compensated at a specific hourly rate does not constitute approval of the hourly rate or other terms of compensation; and
- (2) approval of the terms of compensation will be considered by the court when a final allowance of compensation is made.

(g) **Trustee's or Committee's Application to Employ Professionals Other Than Attorneys to Represent the Trustee/Debtor-in-Possession in Conducting a Chapter 11 Case.** Trustees or committees applying to employ firms of professionals or individual professionals (whether special counsel, accountants, appraisers, or otherwise) must also follow the application, service, notice and certification of service, objection, and proposed order procedures set forth above. Each individual professional (whether or not an attorney) seeking employment must file an affidavit containing the information required by subsection (a)(1).

(h) When a Chapter 7 trustee applies to appoint himself or herself as counsel for the estate, however, the notice required by paragraph (b) above may be restricted to the United States Trustee only.

[FN1] §327(e) of the Code recognizes the distinction between counsel employed "to represent the trustee in conducting the case" and other employed attorneys. This heading highlights this critical difference and sets out the mandatory steps for qualifying as counsel employed to represent the trustee in conducting the case.

**LBR 2015(a).1**

**TRUSTEE COMPLIANCE WITH ADMINISTRATIVE  
REQUIREMENTS OF UNITED STATES TRUSTEE**

Trustees must comply with all administrative reporting requirements of the United States trustee, including the types of reports to be filed, the contents of those reports, and the timing of filing the reports.

## **LBR 2016.1**

### **MONTHLY COMPENSATION OF PROFESSIONALS**

**(a) Submission and Service.** In a chapter 11 or 12 case, an attorney employed or seeking employment under § 327 to conduct the case may file a separate motion to be paid fees and expenses on a monthly basis. The separate motion must state the filing date of the application to employ and, if applicable, the date an order granting the application to employ was entered of record. Motions for this relief may be denied in those cases in which the court sees questionable merit.

**(b) Provisions for Payment of Fees and Expenses.** The motion must state the percentage amount of fees and expenses the professional seeks to collect on a monthly basis. The motion may request that up to 100% of the fees and 100% of the expenses be paid on a monthly basis. However, the motion and the proposed order granting the motion must provide that in the event 100% of the fees are paid, the professional will hold no less than 20% of the fees in trust pending approval by the court of an interim or final fee application, unless otherwise ordered by the court.

**(c) Service.** The motion must be served with notice as provided by the noticing guidelines applicable to the division and judge to whom the case is assigned. Unless the court directs otherwise, the motion must be served on:

- (1) the debtor;
- (2) debtor's counsel;
- (3) the United States trustee;
- (4) all creditors holding secured claims;
- (5) all parties requesting notice; and
- (6) any operating creditors' committee, or if none, the list of creditors holding 20 largest unsecured claims—Official Bankruptcy Form 4.

**(d) Order.** With the separate motion, counsel must submit a proposed order in accordance with the court's guidelines for submission of orders and it must state that the allowance of monthly payments of fees and expenses does not constitute an interim or final approval of the fees and expenses.

**LBR 2090.1**

**ATTORNEYS - ADMISSION TO PRACTICE**

**(a) Admission of Attorneys.** The bar of this court consists of those attorneys heretofore admitted to practice and in current good standing as members of the bar of the United States District Court for the District of Kansas and those attorneys hereafter admitted to practice before the district court or this court in accordance with D. Kan. Rules 83.5.1, through 83.5.4.

**(b) Appearance *Pro Hac Vice*.** D. Kan. Rule 83.5.4 applies to the attorneys of the court.

**LBR 2091.1**

**PROFESSIONAL CONDUCT**

D. Kan. Rules 83.5.4 through 83.6.12 apply to the attorneys of the court.

## **LBR 3001.1**

### **CLAIMS**

**(a) Copies of Claims/Service.** A proof of claim must be filed in duplicate. Claimants in chapters 11, 12 and 13 must send a copy of the proof of claim to debtor's counsel, or to the debtor if not represented, at the time of filing.

**(b) Withdrawal of Written Instruments Filed with Claims.** Written instruments or other papers filed with a proof of claim may be withdrawn upon request of the claimant provided the request is accompanied by photostatic or other exact copies of the papers to be withdrawn. If the papers are negotiable instruments, the originals must be stamped with a statement indicating they were filed in support of a claim and showing the name, case number and the date the claim was filed.

**(c) Secured and Unsecured Claims.** A proof of claim must indicate whether the claim is secured, unsecured, or if both, must specify the respective amounts claimed. The claim may include proposed amounts for secured and unsecured claims and must clearly indicate that it includes a proposed amount.

**(d) Amendment to Claim in Chapter 7.** A proof of claim, other than a priority claim, may be amended anytime prior to notice of final distribution by the case trustee, but not thereafter. A priority claim may be filed or amended at any time before the trustee commences distribution. If the case trustee has not objected to secured claims, he or she must give 20 days notice to all parties who have filed secured claims of his intent to file and serve a notice of final distribution.

**(e) Filing of Requests for Administrative Expenses in a Chapter 7 Case.** A request for payment of administrative expenses must be filed prior to the notice of final distribution by the case trustee.

**LBR 3015(b).1**

**CHAPTER 13 PLAN**

**(a) Filed with Petition.** A chapter 13 plan filed with the petition will be served, together with notice of the time for filing objections and the hearing to consider confirmation by the Bankruptcy Noticing Center ("BNC").

**(b) Filed after Petition.** A plan filed after the petition must be served, together with notice of the time for objections and the hearing to consider confirmation, by the debtor's attorney, or the debtor if not represented. A certificate of service must be filed within 5 days of service.

**(c) Failure to File.** Unless an extension has been obtained, failure to file a plan, together with a certificate of service, prior to the first scheduled meeting of creditors held pursuant to §341 of the Code will result in dismissal of the case for unnecessary delay without further notice to the debtor or counsel.



## **LBR 3022.1**

### **FINAL DECREE IN CHAPTER 11 REORGANIZATION CASE**

**(a) Timing.** Within 3 months after the order of confirmation is entered, the plan proponent must file an application for a final decree, or show cause why the final decree cannot be entered. If an application is not filed within 3 months, a status report must be filed every 6 months thereafter until entry of the final decree.

**(b) Content.** The application for final decree must show that the estate has been fully administered and must include information concerning:

- (1) the date the order confirming the plan became final;
- (2) whether deposits required by the plan have been distributed;
- (3) whether the property proposed by the plan to be transferred has been transferred;
- (4) whether the debtor or successor of the debtor under the plan has assumed the business or the management of the property dealt with by the plan;
- (5) whether payments under the plan have commenced; (6) whether all motions, contested matters and adversary proceedings have been finally resolved;
- (7) whether all fees due under 28 U.S.C. §1930 have been paid;
- (8) a summary of professional fees awarded in the case;
- (9) the percentage paid to unsecured creditors; and
- (10) other facts as may be necessary to enable the court to pass on the provisions to be included in the final decree.

**(c) Notice.** The applicant must give 30 days notice to the following in accordance with the noticing guidelines provided by the clerk:

- (1) all parties requesting notice;
- (2) the United States trustee; and
- (3) all creditors' committees, or if none, creditors holding the largest 20 unsecured claims.

## **LBR 4001(a).1**

### **STAY RELIEF**

**(a) Adequate Protection.** A motion for stay relief may be combined with a request for adequate protection.

**(b) Waiver.** The following constitutes a voluntary waiver of the 30 day requirement for a hearing contained in §362(e) of the Code:

- (1) the motion for stay relief includes a request for any other relief;
- (2) movant sets a motion for stay relief, pursuant to D. Kan. LBR 9013.2 for a docket more than 30 days from the filing of the motion, which is considered a preliminary hearing under that section; and
- (3) movant fails to request that the final hearing be concluded within 30 days of the preliminary hearing.

**(c) Effect of Debtor's Stated Intent to Surrender Property.** So long as an individual chapter 7 debtor's Statement of Intention (Official Bankruptcy Form 8) indicating an intent to surrender property that secures a debt owed to a creditor has not been amended or withdrawn, the debtor will be deemed to have agreed to the specified creditor's stay relief motion concerning that property. When a stay relief motion clearly informs the Clerk's Office that it is being filed pursuant to this provision, the filing fee shall be the same as for a motion for approval of an agreement or stipulation for stay relief. A creditor that files a stay relief motion pursuant to this provision must give notice of the motion (and the deadline for filing objections) to the debtor, as well as to any other parties required by the Bankruptcy Code or applicable rules of procedure.

**LBR 4001(a).2**

**EFFECT OF AUTOMATIC STAY IN  
CHAPTER 12 AND 13 CASES ON INCOME  
WITHHOLDING ORDERS FOR CHILD SUPPORT**

**(a) Income Withholding Orders for Current Child Support.** Unless the debtor files along with the petition a motion pursuant to paragraph (c), the automatic stay imposed by §362(a) of the Code does not affect current child support orders enforced by income withholding orders on the date the bankruptcy petition is filed, whether imposed or voluntary.

**(b) Income Withholding Orders for Past Due Child Support.** The automatic stay remains in force as it pertains to past- due child support enforced through an income withholding order, whether imposed or voluntary, on the condition that the debtor's plan specifically addresses and treats the debtor's obligation to pay past-due child support.

**(c) Termination of Income Withholding Orders.** Termination of an income withholding order that enforces a current child support obligation must be made by motion that sets out specific grounds justifying the termination of the withholding order and the continued application of the automatic stay. If the motion is denied, the prevailing party may be awarded reasonable costs, fees, and expenses incurred in opposing the motion, as authorized by applicable rule or statute.

**(d) No Income Withholding Order.** Nothing in this rule affects the obligation of a debtor to pay child support not being collected by an income withholding order.

## **LBR 4002.1**

### **TRUSTEE REQUESTS FOR INFORMATION FROM DEBTORS**

**(a) Compliance with Trustee's Request.** A debtor must promptly comply with a request for information made by a case or standing trustee or the United States trustee. No later than 15 days after service of any written request, a debtor must:

- (1) serve on the trustee an appropriately executed writing containing the information requested; or
- (2) serve on the trustee and file with the court a written objection, a copy of the request, and a request for a hearing.

**(b) Filing of Requests and Responses.** The trustee must not file copies of the requests with the court unless the debtor fails to comply with this rule and the trustee requests the court to compel compliance. The debtor must not file copies of responses with the court unless the responses are in the form of an amendment to the statements of affairs, schedules, monthly financial statements or as otherwise required.

**LBR 4002.2**

**EVIDENCE OF INCOME  
IN CHAPTER 13**

In all cases filed under or converted to Chapter 13, the debtor must bring to the meeting of creditors held under §341 of the Code, copies of the most recent 2 years of Federal and State income tax returns and current pay stubs or other evidence of current income for the period of time from 30 days prior to filing of the case to the date upon which the §341 meeting is held.

## **LBR 4002.3**

### **DELINQUENT TAX RETURNS**

**(a) Duty to File Returns.** In all cases debtors must file tax returns for all pre-petition periods within 75 days of the date of filing the petition or by the due date of the return, if later. This rule does not apply, however, to income tax returns that are due more than 3 years before the date of the petition.

**(b) Place of filing.**

(1) the original of all federal tax returns filed as required by section (a) and all post-petition federal returns coming due prior to confirmation of any plan must be filed with:

Internal Revenue Service  
Special Procedures Branch  
271 W 3rd Street N Suite 3000  
STOP 5333 WIC  
Wichita Kansas 67202

A signed copy of each return must be sent to the United States Attorney's Office located in the city where the bankruptcy case is filed.

(2) Except as required by paragraph (b)(3), the original of all state of Kansas tax returns filed as required by section (a) and all post-petition state of Kansas tax returns coming due prior to confirmation of any plan must be filed with:

Kansas Department of Revenue  
Civil Tax Enforcement  
P O Box 12005  
Topeka KS 66612-2005

(3) The original of all state of Kansas unemployment tax returns filed by a Kansas employer, as required by paragraph (a) and all post-petition state of Kansas unemployment tax returns coming due prior to confirmation of any plan must be filed with:

Kansas Department of Human Resources  
Attn Delinquent Account Unit  
401 Topeka Blvd  
Topeka KS 66603-3182

**(c) Dismissal for Non-Filing.** If any pre-petition return remains unfiled after expiration of the 75 day period or the due date, the taxing authority may file a Notice of Dismissal for Non-Filing of Tax Returns with Objection Deadline and serve copies on the trustee, debtor, and the debtor's attorney. The Notice must be accompanied by a Notice With Opportunity for Hearing in Compliance with the Court's Motions Docket Instructions, setting forth the exact date for the filing of objections to dismissal and stating the date and time the matter will be heard by the court. If no objection is filed, or if the court determines dismissal

is warranted after hearing as provided for in section (d) below, the court will dismiss the case without prejudice, unless the court determines that the circumstances warrant dismissal with prejudice.

**(d) Hearing on Objection to Dismissal.** The debtor or trustee may, on or before the objection deadline set out in the Notice With Opportunity for Hearing, file and serve a written objection to dismissal of the case upon the taxing authority and the U.S. Attorney's Office located in the city where the bankruptcy case is filed if the tax return at issue is a federal tax and the Kansas Department of Revenue if the tax return at issue is a Kansas State return. The objection must state good cause as to why the case should not be dismissed and, if filed by the debtor, good cause why the past due returns have not been timely filed. In the event an Objection to Dismissal is timely filed by the debtor or trustee, the matter will be heard by the court at the date and time set forth in the Notice of Non-Filing of Tax Returns With Objection Deadline required by section(c) above.

**LBR 4003(a).1**

**TIME LIMITS FOR AVOIDANCE OF LIENS  
ON EXEMPT PROPERTY IN CHAPTER 7**

A motion to avoid a judicial lien or a non-possessory, non-purchase money security interest against exempt property as authorized by §522(f) of the Code must be filed not later than 60 days from the first date set for the meeting of creditors held under §341 of the Code. If the exemption is allowed after the 60 day period, the motion must be filed not later than 30 days from the date the exemption is allowed. Except for cause shown, a motion filed thereafter is untimely. This rule does not affect the application of §521 of the Code in consumer cases.



## LBR 4070.1

### INSURANCE ON MOTOR VEHICLES

**(a) Definitions.**

(1) “Motor vehicle” includes, but is not limited to, any automobile, motorized mobile home or house trailer designed for travel on the public highways and/or capable of travel on the public highways.

(2) “Proof of insurance” means a certificate of insurance, or other written evidence of sufficient reliability from the insurance carrier stating that insurance is in force, the amounts and types of coverage, a notation of the secured party as a loss payee, and the time period for which such coverage exists.

**(b) Proof of Insurance.** Proof of insurance against physical damage and loss for any motor vehicle belonging to or leased by the debtor or the estate which is subject to the lien of a creditor holding an allowed secured claim must be furnished to the trustee and the creditor at or before the meeting held under §341 of the Code or upon written demand as hereinafter provided. Failure to immediately furnish proof of insurance is presumed to mean no insurance is in effect. Any written "binder" must be followed by proof of permanent insurance.

**(c) Termination of Insurance.** If during the pendency of a case, insurance is canceled, not renewed, expires or lapses for any reason, on any motor vehicle, the following sequence of events may occur:

(1) Notice of Intent. A creditor with an allowed claim secured by the motor vehicle for which insurance has been terminated, as hereinbefore defined or has received notice of the insurer's intent to terminate insurance for any reason hereinbefore defined, must notify, in writing, the debtor, the debtor's attorney and the trustee of the termination, or notice of intent to terminate insurance. Service of notice upon the debtor and the debtor's attorney must be in the manner specified in Fed. R. Bankr. P. 7004(b)(9).

(2) Injunction. The debtor is enjoined from using the motor vehicle for which insurance has, in fact, been terminated as long as the motor vehicle remains uninsured.

(3) Possession. If the debtor fails to provide proof of reinsurance to the creditor within 5 business days following delivery of the notice provided in subsection (c)(1), or fails to provide proof of re-issuance by the day before termination of any grace period granted by the insurer, if later, the debtor must surrender the motor vehicle to the creditor or the creditor may take possession of the motor vehicle securing its claim and hold it pending presentation of proof of insurance by the debtor.

(4) Motion for relief from stay. Within 5 days after taking possession of a motor vehicle, the creditor must file with the court a motion for relief from the automatic stay under §362 of the Code.

**(d) Subsequent Termination.** In the event insurance on a motor vehicle lapses twice during the pendency of a case, the court may, upon the filing of a motion in accordance with section (c)(4) hereof accompanied by an affidavit evidencing compliance by the creditor with the provisions of this Rule and evidencing the previous lapse of insurance coverage, grant the creditor relief, including relief from the automatic stay, without further hearing.

## **LBR 5003.1**

### **ACCESS TO COURT RECORDS**

(a) **Access.** The public records of the court are available for examination in the clerk's office during normal business hours.

(b) **Copies.** The clerk will make and furnish copies, as time permits, of official public court records upon request and payment of prescribed fees.

(c) **Sealed or Impounded Records.** Records or exhibits ordered sealed or impounded by the court are not classed as public records within the meaning of this rule.

(d) **Search for Cases by the Clerk.** The clerk's office is authorized to make a search of the most recent 10 years of the master index maintained in the office, and to issue a certificate of the search. The clerk will charge in advance a fee for each name for which a search is conducted, as prescribed by the Administrative Office of the United States Courts.

## **LBR 5003.2**

### **WITHDRAWAL OF COURT RECORDS**

**(a) Case Files.** A bankruptcy case file may not be withdrawn.

**(b) Exhibits.** Exhibits introduced into evidence may be withdrawn from the custody of the clerk with the clerk's permission or upon order of the court. Any exhibit not withdrawn after final disposition of the proceeding may be destroyed or otherwise disposed of by the clerk.

## **LBR 5005.1**

### **FILING BY ELECTRONIC MEANS**

The court will accept for filing documents submitted, signed or verified by electronic means that comply with procedures established by the court.

## **LBR 5072.1**

### **COURTROOM PRACTICES**

**(a) Addressing the Court.** Attorneys or pro se litigants must rise when addressing the court, must make all statements to the court from the counsel table or the lectern facing the court and must not approach the bench, except upon the permission of the court.

**(b) Questioning Witnesses.** While questioning witnesses, attorneys or pro se litigants must stand at the counsel table or at the lectern and must not approach the witness except with the court's permission. Only one attorney for each party may participate in the examination or cross examination of a witness.

## **LBR 5074.1**

### **GENERAL RULE ON DOCUMENTS TRANSMITTABLE BY FACSIMILE FILING**

**(a) General.** In case of emergency, and only with prior permission of the judge to which the case or adversary proceeding has been assigned, parties may transmit **only** the following documents by facsimile:

- (1) a brief;
- (2) list of witnesses;
- (3) exhibits; and
- (4) a motion for extension of time.

**(b) Original documents, filing.** Within 48 hours of the initial transmission of a document by facsimile, the original documents, with all necessary signatures, must be physically delivered to the clerk. When the rules require the filing of multiple copies of a document, only one copy must be transmitted by fax. Additional copies must be delivered at the time the original document is tendered for filing. Upon receipt, the clerk must file the original documents as of the date the facsimile transmission was received.

**(c) Method of facsimile transmission.** All facsimile transmissions must be on the highest resolution mode in order to transmit a clear copy. The document transmitted must be sent in reverse page order so that it emerges in correct page order.

**(d) Signatures.** The originals of a facsimile transmission must be signed by the party or attorney transmitting the document. A signature on a facsimile document is subject to Fed. R. Civ. P.11 and Fed. R. Bankr. P. 7011 and 9011.

**(e) Service.** At the same time a document is transmitted by facsimile to the court the sender must transmit it by facsimile on all other parties in the case. Any period which runs from the date of transmission must be calculated as if the document were hand-delivered. If a party to whom a document is to be sent does not have a facsimile machine, the party responsible for service must arrange for physical delivery of the document not later than the next calendar day following the initial facsimile transmission to the court.

**(f) Risk of Transmission Errors.** The party transmitting a document by facsimile assumes the risk of nonreceipt or the receipt of an unintelligible copy.

**(g) General Policy.** The United States Bankruptcy Court for the District of Kansas recognizes that facsimile transmission may greatly facilitate the transmission of documents between and among parties to pending cases. However, since many lawyers and individuals do not possess facsimile machines and there are substantial questions concerning the accuracy, timeliness and authenticity of facsimile transmissions, the court will authorize use of facsimile transmission for non dispositive pleadings only for good cause shown.

## **LBR 5075.1**

### **ORDERS BY BANKRUPTCY CLERK; REVIEW**

**(a) Orders.**

(1) The clerk is authorized to sign and enter the following orders without further direction by the court:

(A) in adversary proceedings, an order extending once for 10 days, the time within which to answer, reply or otherwise plead to a complaint, cross-claim or counterclaim if the time originally prescribed to plead has not expired;

(B) an order for the payment of money on consent of all interested parties;

(C) a consent order for the substitution of attorneys;

(D) in adversary proceedings, a consent order dismissing an action, except in cases governed by Fed. R. Bankr. P. 7023 and/or D. Kan. LBR 7041.1;

(E) in adversary proceedings, entry of default and judgment by default as provided for in F. R. Bankr. P. 7055;

(F) an order permitting payment of filing fees in installments;

(G) an order for compliance requiring timely filing of schedules and statements or for compliance with filing requirements and a notice of intent to dismiss for failure to comply; and

(H) any other order that is specified by Standing Order as not requiring special direction by the court.

(2) Any order submitted to the clerk under this rule must be signed by the party or attorney submitting it, and is subject to the provisions of Fed. R. Bankr. P. 9011 and D. Kan. LBR 9011.3.

(3) Any order submitted to the clerk for an extension of time under paragraph (a) must state:

(A) the date when the time for the act sought to be extended is due;

(B) the date to which the time for the act is to be extended; and

(C) that the time originally prescribed has not expired.

**(b) Action Reviewable.** Any order entered by the clerk under this rule may be suspended, altered or rescinded as authorized by Fed. R. Bankr. P. 9024.



## **LBR 6004.1**

### **PERSONS PROHIBITED FROM PURCHASING AT SALES**

**(a) Judges/Clerks.** No person who is currently serving as a bankruptcy judge, or clerk or their employees and spouses may directly or indirectly purchase property from any bankruptcy estate. No former bankruptcy judge or clerk nor any former member of their staffs may purchase property directly or indirectly from any bankruptcy estate pending at the time the person left office.

**(b) Other Officers.**

(1) Current service. No person who is currently serving as trustee, examiner, appraiser, auctioneer, accountant, realtor or attorney for a bankruptcy estate, their employees and spouses and the spouses of their employees may directly or indirectly purchase property from any bankruptcy estate pending while the person is serving.

(2) Former Service. No person who has served as a trustee, examiner, auctioneer, accountant, realtor or attorney for a bankruptcy estate and no spouse or employee of such persons may purchase directly or indirectly property from a bankruptcy estate pending at the time the person ceased service.

## **LBR 6007.1**

### **ABANDONMENT OF PROPERTY OF THE ESTATE**

Within 60 days from the date set for the meeting of creditors held under §341 of the Code, the trustee may file notice of intended abandonment of any or all of the debtor's non-exempt property of the estate as authorized by §554 of the Code without service on creditors except as noticed in case commencement. Unless a creditor objects to abandonment within 75 days from the §341 meeting date, the property will be deemed abandoned without further notice or order of the court.

## **LBR 6008.1**

### **REDEMPTION OF EXEMPT/ABANDONED PROPERTY IN A CHAPTER 7 CASE**

**(a) Exempt Property.** A motion to redeem exempt property as authorized by §722 of the Code must be filed not later than 60 days from the first date set for the meeting of creditors held under §341 of the Code. If the trustee recovers exempt property that the debtor is entitled to exempt, the motion must be filed not later than 15 days after the property is deemed exempt. Except for cause shown, a motion filed thereafter is untimely. This rule does not affect the application of §521 of the Code in consumer cases.

**(b) Abandoned Property.** A motion to redeem abandoned property as authorized by §722 of the Code must be filed not later than 60 days from the first date set for the meeting of creditors held under §341 of the Code. If the trustee has not abandoned the property within that time, the motion must be filed not later than 15 days after abandonment. Except for cause shown, a motion filed thereafter is untimely. This rule does not affect the application of §521 of the Code in consumer cases.

## **LBR 7003.1**

### **COMMENCEMENT OF ADVERSARY PROCEEDING**

**(a) Cover Sheet.** An Adversary Proceeding Cover Sheet, in a form supplied by the clerk, must be completed and submitted with each complaint commencing an adversary proceeding. See Fed. R. Bankr. P. 7003.

**(b) Case Number System.** Upon filing, an adversary proceeding will be assigned a number by the clerk that begins with a two-digit indicator of the year in which the proceeding was filed followed by a hyphen and the individualized case number of four digits. The four-digit individualized case numbers are as follows:

- Wichita proceedings begin with a "5" (e.g., 99-5001);
- Kansas City proceedings begin with a "6" (e.g., 99-6001);
- Topeka proceedings begin with a "7" or an "8" (e.g., 99-7001).

**LBR 7004.1**

**SERVICE OF SUMMONS AND COMPLAINT  
ON THE UNITED STATES**

In addition to any service required by rule or statute, in all cases in which the United States and/or a department, agency or instrumentality of the United States is named as a party defendant service of any summons or complaint must be made on the United States Attorney's Office located in the division headquarters city in which the petition for relief has been filed and also upon the department, agency or instrumentality as prescribed by D. Kan. Bk. S.O. 02-2.

## **LBR 7026.1**

### **DISCOVERY**

**(a) Application.** This rule applies in adversary proceedings and contested matters as provided by Fed. R. Bankr. P. 9014 or order of the court. Except as specifically provided by order of the judge presiding over a particular matter, the provisions of Fed. R. Civ. P. 26(a) and (f), and corresponding sections of this rule, do not apply to contested matters.

**(b) Completion Time.** Discovery should be completed within 4 months after the case becomes at issue, or within 4 months after a scheduling order is issued pursuant to Fed. R. Bankr. P. 7016. The court, for good cause shown, may establish longer or shorter periods for the completion of discovery.

**(c) Notice of Depositions.** The reasonable notice provided by Fed. R. Civ. P. 30(b)(1) for the taking of depositions is 5 days. The court, for good cause shown, may enlarge or shorten time. Fed. R. Bankr. P. 9006 governs the computation of time.

**(d) Motions for Protective Order.** A motion for protective order filed pursuant to Fed. R. Bankr. P. 7026(c) or 7030(d) stays the discovery at which the motion is directed pending order of the court. A motion to quash or modify a deposition subpoena filed pursuant to Fed. R. Bankr. P. 9016 stays the deposition at which the motion is directed. No properly noticed deposition is automatically stayed under this rule unless the motion directed at it is filed and served upon counsel or parties by delivering a copy within 10 days after service of the deposition notice, and at least 48 hours prior to the noticed time of the deposition. Pending resolution of any motion which stays a deposition under this rule, neither the objecting party, witness, nor any attorney will be required to appear at the deposition to which the motion is directed until the motion has been ruled upon or otherwise resolved.

**(e) Additional Interrogatories to Those Permitted by Fed. R. Bankr. P. 7033(a).** Requests for leave to serve additional interrogatories to those permitted by Fed. R. Bankr. P. 7033(a) must be by motion that sets forth the proposed additional interrogatories and the reasons establishing good cause for their service and is subject to the provisions of subsection (j) of this rule.

**(f) Format for Interrogatories.** Sufficient space for the insertion of an answer must be left following each interrogatory served pursuant to Fed. R. Bankr. P. 7033. Each answer must be preceded by the interrogatory being answered.

**(g) Motions Relating to Discovery.** Motions under Fed. R. Bankr. P. 7026(c) or 7037(a) directed at interrogatories, requests for production of documents, or requests for admissions under Fed. R. Bankr. P. 7033, 7034 or 7036, or at the responses thereto, must be accompanied by copies of the portions of the interrogatories, requests or responses in dispute.

**(h) Depositions.** Depositions must not be filed with the clerk unless ordered by the court. The originals of all stenographically reported depositions will be delivered to the party noticing the deposition, (1) upon signature by the deponent, or (2) upon completion if

signature is waived on the record by the deponent and all interested parties; or (3) upon certification by the shorthand reporter that following reasonable notice to the deponent and deponent's counsel of the availability of the transcript for signature, the deponent failed or refused to sign it. The original of the deposition must be retained by the party to whom it is delivered to be available for appropriate use by any party in a hearing or trial of the case.

**(i) Disclosures and Discovery Not to be Filed.**

(1) the following disclosures and discovery and the responses thereto must be served upon other counsel or parties, if not represented by counsel, but must not be filed with the clerk:

- (A) disclosures required under Fed. R. Bankr. P. 7026(a)(1) and (2);
- (B) interrogatories under Fed. R. Bankr. P. 7033;
- (C) requests for production or inspection under Fed. R. Bankr. P. 7034; and
- (D) requests for admission under Fed. R. Bankr. P. 7036.

(2) a party serving disclosures and discovery must at the time of service file with the clerk a certificate of service stating the type of disclosure or discovery or response served, the date and type of service, and the party served.

**(j) Use of Discovery at Trial.** If depositions, interrogatories, requests for production or inspection, or admissions, or responses thereto are to be used at trial, the portions to be used must be filed with the clerk at the beginning of trial insofar as their use reasonably can be anticipated.

**(k) Duty to Confer Concerning Discovery Disputes.** In addition to the duties to confer set out in Fed. R. Bankr. P. 7026 through 7037, unless otherwise ordered, the court will not entertain any motion to quash or modify a subpoena pursuant to Fed. R. Bankr. P. 9016, or any motion under Fed. R. Civ. P. 26(c) or 37(a) unless counsel for the moving party has conferred or has made reasonable effort to confer with opposing counsel concerning the matter in dispute prior to the filing of the motion. Every certification required by Fed. R. Bankr. P. 7026(c) and 7037 and this rule related to the efforts of the parties to resolve discovery or disclosure disputes must describe the steps taken by all counsel to resolve the issues in dispute.

**(l) Trial Preparation After Close of Discovery.** As authorized by Fed. R. Bankr. P. 7035, the physical or mental examination of a party may be ordered at anytime prior to trial. Ordinarily, the deposition of a material witness not subject to subpoena should be taken during the discovery period. However, the deposition of a material witness who agrees to appear at trial, but who later becomes unable or refuses to attend, may be taken at anytime prior to trial.

## **LBR 7041.1**

### **DISMISSAL OF BANKRUPTCY CODE §727 COMPLAINTS OBJECTING TO DISCHARGE**

**(a) Affidavits as to Consideration.** A motion for dismissal of a complaint objecting to discharge under §727 of the Code must be accompanied by affidavits executed by the plaintiff and the debtor stating that no consideration has been promised or given to effect the withdrawal of the complaint, or, if any consideration has been promised or given, the nature and amount thereof.

**(b) Trustee's Motion to Intervene.** If the case trustee or the United States trustee objects to dismissal of the complaint, the case trustee or the United States trustee must, within 15 days after notice under Fed. R. Bankr. P. 7041, serve on the parties to the complaint and file with the court a motion to intervene and be substituted as plaintiff.



## **LBR 7054.1**

### **TAXATION AND PAYMENT OF COSTS**

**(a) Procedure for Taxation.** The party in favor of whom costs have been allowed under Fed. R. Bankr. P. 7054(b) must file a bill of costs on the form provided by the clerk within 30 days: (1) after the expiration of time allowed for appeal of a final order; or (2) after the clerk receives an order terminating the action on appeal. The failure of a prevailing party to timely file a bill of costs shall constitute a waiver of any claim for costs.

**(b) Date for Presentation.** Before filing a bill of costs, the prevailing party must obtain from the clerk a date for presentation of the bill of costs so that adverse parties may be notified when to appear to contest the bill.

**(c) To Whom Payable.** All costs taxed are payable directly to the party entitled thereto and not to the clerk.

## **LBR 7056.1**

### **MOTIONS FOR SUMMARY JUDGMENT**

**(a) Memorandum in Support.** The memorandum or brief in support of a motion for summary judgment must begin with a section that contains a concise statement of material facts as to which the movant contends no genuine issue exists. The facts must be numbered and refer with particularity to those portions of the record upon which the movant relies.

**(b) Memorandum in Opposition.** A memorandum in opposition to a motion for summary judgment must begin with a section that contains a concise statement of material facts that the party contends a genuine issue exists. Each fact in dispute must be numbered by paragraph, refer with particularity to those portions of the record upon which the opposing party relies, and, if applicable, state the number of movant's fact that is disputed. All material facts set forth in the statement of the movant will be deemed admitted for the purpose of summary judgment unless specifically controverted by the statement of the opposing party. The statements required by this subsection are in addition to the material otherwise required by these rules and the applicable Fed. R. Bankr. P.

**(c) Supporting Affidavits.** All facts on which a motion or opposition is based must be presented by affidavit or declaration under penalty of perjury. Affidavits or declarations must be made on personal knowledge and by a person competent to testify to the facts stated, which are admissible in evidence. Where facts referred to in an affidavit or declaration are contained in another document, such as a deposition, interrogatory answer, or admission, a copy of the relevant excerpt from the document must be attached.

## **LBR 7065.1**

### **RESTRAINING ORDERS AND TEMPORARY INJUNCTIONS IN ADVERSARY ACTIONS**

A prayer for a temporary injunction or restraining order set forth in an adversary complaint pursuant to Fed. R. Bankr. P. 7001 is not sufficient to bring the issue before the court prior to trial. If a ruling before trial is desired, it must be sought by separate motion within the adversary proceeding.

## **LBR 8006.1**

### **RECORD AND ISSUES ON APPEAL**

**(a) Designation of Record.** Upon filing the notice of appeal, the appellant must file by formal pleading within 10 days from the appeal file date, a designation of the items to be included in the record on appeal and a statement of issues. The designation of the record must set forth the pleading numbers and file date of those pleadings designated in the record on appeal. Parties must perfect their appeal pursuant to Fed. R. Bankr. P. 8006.

**(b) Copies.** Any party filing a designation of the items to be included in the record on appeal must provide to the clerk a copy of the items designated or, if the party fails to provide the copy, the clerk will prepare the copy at the expense of the party. The appellant must not file documents in his or her possession; such copies must be made from original papers filed with the court, which are part of the official record of the case. This may be accomplished at a reduced cost by using the vendor copier located in the public area of the clerk's office.

## **LBR 9004.1**

### **FORM OF PLEADINGS AND PAPERS**

**(a) Pleadings, Motions, Briefs and Other Papers.** Pleadings, motions, briefs, and other papers submitted for filing, including all exhibits and/or attachments, must be typewritten, printed or computer-generated on letter-size paper. All original documents and pleadings filed with the court must be 2-hole punched at the top and should not be stapled. Copies may be stapled together for distribution. All written, printed or computer-generated documents must be double-spaced with no smaller than 10 point type set no more than an average of 12 characters per inch. All pleadings and papers filed subsequent to those commencing a case must be endorsed on the upper right-hand corner of the first page with the case number. The title of the subsequent pleading or paper should describe the contents thereof, and state on whose behalf the document is filed. Fed. R. Bankr. P. 7010 and Official Bankruptcy Form 16C apply to all pleadings and papers filed in adversary proceedings.

**(b) Orders.** Unless the court directs otherwise, orders resulting from an actual hearing are due 10 days from the date of the hearing. Orders resulting from a notice with an objection deadline where no actual hearing was held are due 10 days after the expiration of the objection deadline.

If an order results from an actual hearing, the first paragraph of the order must begin with the date of the hearing, such as: "Now on this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, this matter came before the court. . . ." The actual date of the hearing must be substituted for the blanks, however.

If an order results from a notice with opportunity without a hearing, the first paragraph of the order must begin by stating that the matter was noticed with opportunity for hearing but no objections were filed and no hearing was held.

The following information must appear at the top of the signatory page of all orders: (1) the name of court; (2) the case caption, the case number and chapter; and (3) the caption of the order and page number.

So orders can be dated when signed, all orders must include the following legend just prior to the judge's signature block without the date filled in: "Dated this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_."

**(c) Requests for Relief in Pleadings.** To assist the Clerk, you must state the requested relief in the pleading caption. To avoid multiplicity, pleadings must not contain unrelated requests for relief. For example, a motion for relief from automatic stay could request adequate protection, but it should not request remote relief, such as a request to dismiss the case. Nor should a request for relief be included in a responsive pleading except as permitted by *Federal Rules of Bankruptcy Procedure*. For example, a pleading captioned "Objection to Plan and Motion to Dismiss Case" should not be offered because the objection is a responsive pleading and the motion to dismiss seeks new relief.

**(d) Orders Addressing Requests for Relief.** Orders resolving pleadings must

address all the requests for relief made in the pleading and, to assist the Clerk with docketing, must identify in the caption of the order the relief granted and/or denied.

## **LBR 9010.1**

### **APPEARANCE BY CORPORATIONS, PARTNERSHIPS AND ENTITIES OTHER THAN INDIVIDUALS**

A corporation, partnership, or entity other than an individual may appear and participate only through an attorney in an adversary, contested matter or other court hearing involving the questioning of a witness or a presentation to the court. This rule does not prohibit a corporation, partnership, or other entity from acting without an attorney in filing a claim, voting to elect a trustee, serving on an approved committee, or filing an acceptance/rejection of a plan under chapters 11, 12 or 13 of the Code.

## **LBR 9011.3**

### **SANCTIONS**

**(a) Sanctions Under Applicable Rules and Statutes.**

(1) On Court's Own Initiative. The court, upon its own initiative, may issue an order to show cause why sanctions should not be imposed against a party and/or an attorney for violation of these rules, Fed. R. Bankr. P. 9011, or other applicable statutes. The court must state the reasons therein for issuing the show cause order. Unless otherwise ordered, all parties may respond within 10 days after the filing of the order to show cause. The responses may include affidavits and documentary evidence as well as legal arguments.

(2) On a Party's Motion. The issue of sanctions may be raised by a party's timely filed motion and responded to in the same manner as specified above.

(3) Procedure. The court may rule forthwith on either or both of the issues of violation of the nature and extent of any sanction imposed as raised in its order to show cause or a party's motion and responses thereto. Discovery and evidentiary hearings on the question of sanctions will be permitted only when ordered by the court. In ruling on the imposition of sanctions, the court must articulate the factual and legal bases for its decision.

**(b) Imposition of Sanctions.** The court may make such orders as are just under the circumstances of the case for violation of a local rule or order of the court, including the following:

(1) an order that designated matters or facts is taken as established for purposes of the action;

(2) an order refusing to allow the failing party to support or oppose designated claims or defenses, or prohibiting the party from offering specified witnesses or introducing designated matters in evidence;

(3) an order striking out pleadings or parts thereof, or staying proceedings until the rule is complied with, or dismissing the action or any part thereof, or rendering a judgment by default against the failing party; or

(4) an order imposing costs, including attorney's fees, against the party, or the party's attorney, who has failed to comply with a local rule.

**(c) Sanctions Within the Discretion of the Court.** The imposition of sanctions for violation of a local rule or order is discretionary with the court. In considering the imposition of sanctions, the court may consider whether a party's failure was substantially justified or whether other circumstances made the imposition of sanctions inappropriate.



## **LBR 9011.4**

### **SIGNATURES**

**(a) Signing of Pleadings.** The original of every pleading, motion or other paper filed by an attorney must bear the genuine signature of at least one attorney of record. The original of every pleading, motion or other paper filed by a party not represented by an attorney must bear the genuine signature of the pro se party. Stamped or facsimile signatures on original pleadings, motions or other papers filed are not permitted.

**(b) Telephone Numbers and Addresses.** A party or attorney signing papers submitted for filing must include an address and telephone number. An attorney must include his or her state supreme court registration numbers or in cases where the attorney is not admitted to practice in Kansas, its equivalent. Each attorney or party appearing pro se is under a continuing duty to notify the clerk in writing of any change of address or telephone number. Any notice mailed to the last address of record of an attorney or a party appearing pro se is sufficient notice.

## **LBR 9013.1**

### **BRIEFS AND MEMORANDA**

**(a) Contents.** All briefs and memoranda filed with the court must contain:

- (1) a statement of the nature of the matter before the court;
- (2) a concise statement of the facts supported by reference to the record in the case;
- (3) a statement of the question or questions presented; and
- (4) the argument, which must refer to all statutes, rules and authorities relied upon.

**(b) Citation of Unpublished Decisions.** Unpublished decisions may be cited only if furnished to the court and to opposing parties or their counsel when the memorandum is filed. Unpublished decisions are cited as follows: In re Smith, No. 89-10001-7 (Bankr. D. Kan. Feb. 1, 1989).

**(c) Additional Copies of Briefs for Court.** At the time the original of a brief is filed, a working copy of the brief for use by the judge must be delivered to the clerk or to the judge.

## **LBR 9013.2**

### **MOTIONS PRACTICE**

**(a) Hearing Docket.** A bankruptcy judge may establish a regularly scheduled docket for non-evidentiary hearing on motions. A motion may be set on such docket by filing with the motion a separate notice of hearing clearly stating the hour, date and location of such hearing. A certificate of service must be filed for the motion and notice indicating service on required parties. It is the responsibility of the movant to determine (1) whether a bankruptcy judge has established a docket as provided by this rule, and (2) the correct hour, date and location of hearing as so established.

**(b) Time.** Except for cause shown, a motion filed less than 10 days before hearing may not be considered by the court. Motions which require more than 10 days notice under the Code, the Fed. R. Bankr. P. or these rules must comply with this requirement.

**(c) Notice with Objection Deadline.** Where otherwise allowed by the Code, the Fed. R. Bankr. P., or these rules, a motion may be filed with a separate notice of objection deadline. The notice may provide for hearing on any objection in accordance with this rule.

**(d) Waiver of Briefs in Support of Motions.** Briefs and memorandum in support of motions are prohibited unless required by the court notwithstanding D. Kan. 7.1(a).

**(e) Limit on Replies.** No more than one response to a motion and one reply to a response, as allowed by D. Kan. 7.1(b), can be filed without prior order of the court.

**(f) Preparation of Motions and Orders.** Motions and orders shall be prepared and submitted in accordance with D. Kan. LBR 9004.1.

### **LBR 9013.3**

#### **PROOF OF SERVICE**

**(a) Certificate of Service.** Except as otherwise provided by order of the court or by rule, proof of service of any pleading, motion, or other paper required to be served must be made by a certificate of an attorney of record. Such certificate must be either endorsed upon the pleading or paper served or filed separately as soon as possible, and in any event before any action based upon the service is requested or taken by the court.

**(b) Identify Title.** In addition to showing the date, the manner of service, and the names and addresses of the persons receiving service, the certificate must identify the title of *each* pleading or paper served. For example:

I hereby certify that copies of the \_\_\_\_ [Title of Document] \_\_\_\_ were deposited in the United States mail, postage prepaid, on \_\_\_\_ [Date] \_\_\_\_, 2003, addressed to:

[Names and addresses]

**(c) Identify and Attach Matrix or List.** If the pleading or other paper being served is directed to persons on a Matrix or other list, the certificate must identify the Matrix or list and counsel must attach the Matrix or list to the certificate. For example:

I hereby certify that copies of the \_\_\_\_ [Title of Document] \_\_\_\_ were deposited in the United States mail, postage prepaid, on \_\_\_\_ [Date] \_\_\_\_, 2003, addressed to the persons on the attached Matrix.

## **LBR 9019.2**

### **ALTERNATIVE DISPUTE RESOLUTION**

The following guidelines and procedures are hereby adopted to assist parties attempting to resolve their bankruptcy disputes through a process other than presentation to the court.

**(a) General Guidelines for Alternative Dispute Resolution Processes**

- (1) Any alternative procedure employed to resolve a dispute pending before the United States Bankruptcy Court for the District of Kansas is governed by District of Kansas Rule 16.3, any other rules or guidelines adopted by the United States District Court for the District of Kansas, and this rule.
- (2) The judge to whom a case has been assigned may, at the earliest appropriate opportunity, encourage or require the parties and their counsel who are involved in a dispute to attempt to resolve or settle the dispute using an extrajudicial proceeding such as mediation, a case settlement or evaluation conference, or another alternative dispute resolution process unless:
  - (A) It would be futile;
  - (B) The mediator indicates the case is inappropriate for the process;
  - (C) The parties agree that a request for procedural action by the court will facilitate settlement; or
  - (D) In the opinion/judgment of the mediator or court official, there is a danger of physical harm to any party connected with the process.
- (3) The judge may refer a case for an extrajudicial proceeding to be supervised by any other judge of the district or bankruptcy court, any retired district or bankruptcy judge, or any neutral attorney. If the parties mutually agree on a neutral non-attorney, the judge shall consider and may refer the case to that person. The person to whom the case is referred will generally be called "mediator" in the balance of this rule.
- (4) Court-ordered or court-directed mediation/ADR is established by entry of an Order Directing Parties to Participate in Alternative Dispute Resolution, on a form order available from the clerk's office; no motion is required. This order also sets forth the amount of the fee for the mediator which is to be assessed equally among the participants, and directs that the fee be paid at the commencement of the alternative dispute resolution process.
- (5) The mediator sets and convenes the first meeting between the participants, and files with the court a report on the status of the alternative dispute resolution process within 45 days of the initial appointment. As part of the mediation, case settlement, or evaluation conference process, the parties, their counsel, and the mediator discuss every aspect of the case which bears on its settlement. The mediator meets privately with each party and the party's counsel to discuss the

mediator's evaluation of the case. Except for good cause shown, it is mandatory that each party have a representative with settlement authority attend the mediation, case settlement, or evaluation conference process. The court may, as it deems appropriate, make this paragraph applicable to any other alternative dispute resolution process.

(6) No written statements or memoranda the parties may submit to the mediator under this order will be placed in the court file. Such statements and memoranda, and any other communications which take place during or in connection with the extrajudicial process, are confidential and will not be admissible or discoverable in any proceeding. The mediator must not communicate to the judge any matter concerning the proceeding except whether the case has been settled or that a party or attorney has failed to appear.

(7) Upon conclusion of the alternative dispute resolution process, either by settlement or by impasse, the mediator must submit to the court a Notice of Completion of Alternative Dispute Resolution, signed by the participants and the mediator, which thereafter may either be returned to the court's docket for hearing or await other disposition at the discretion of the court. The Notice of Completion of Alternative Dispute Resolution must be submitted on a form available from the clerk's office, setting forth that the participants have:

- (A) Reached settlement of the issues in dispute and will submit an approved Journal Entry to the court;
- (B) Reached settlement of the issues and agree that no Journal Entry is required; or
- (C) Been unable to reach settlement on the issues in dispute and acknowledge that this impasse will subject the matter to be returned to the court's docket for hearing and/or resolution.

**(b) Special Guidelines for Mediation**

(1) In order to facilitate access to mediation, the court will maintain a list of attorneys that the court knows are ready, willing, and able, and have been trained and qualified to act as mediators. Mediator qualifications will be reviewed by the court on an annual basis.

- (A) Eligibility for placement on the court's list requires that an attorney:
  - (i) Have at least 3 years of substantive experience in the area of bankruptcy law.
  - (ii) Have completed at least 30 hours of basic mediation skills training plus 10 hours of training related to bankruptcy or the civil litigation system. Such training must include conflict resolution techniques, neutrality, agreement writing, ethics, role playing, communication skills, case evaluation, and the laws governing mediation, and be completed in 30 days or less if in a nontraditional academic setting; and in 120 days or less if occurring in a traditional academic setting.

(B) To remain eligible, a mediator must meet the following additional requirements each compliance year, which begins on July 1:

- (i) Complete 6 hours of bankruptcy continuing legal education (CLE) and 6 hours of alternative dispute resolution CLE.
- (ii) The mediator must submit verification of completion of these CLE hours to the court by August 1 following the end of each June 30 compliance year.

## **LBR 9027.1**

### **REMOVAL/REMANDS**

(a) Fed. R. Bankr. P. 9027 controls the procedure for removal of claims or causes of action in civil actions under Title 28 U.S.C. §1452. The filing of a Notice of Removal with the Clerk of Bankruptcy Court requires payment of a filing fee that will not be satisfied by the redundant filing of such a motion with the Clerk of the District Court.

(b) A motion to remand under Fed. R. Bankr. P. 9027(d) must be served within the 20 day time period for an answer as set out in Fed. R. Bankr. P. 9027(g).



## **LBR 9029.1**

### **AMENDMENT OF RULES**

These rules may be amended as prescribed by Fed. R. Bankr. P. 9029 and Fed. R. Civ. P. 83 by publication with invitation for written comment.

## **LBR 9029.2**

### **STANDING ORDERS**

By vote of a majority of the judges of the United States Bankruptcy Court for the District of Kansas, the court may from time to time issue standing orders addressing administrative and procedural concerns or matters of temporary or local significance. Each standing order, unless expressly made effective until further order, must include the date it is to become effective and the date of its expiration. Standing orders have the same force and effect as other rules of the court. They will be numbered consecutively by calendar year (e.g., 99-1) and be cited as D. Kan. Bk. S.O. 99-1, e.g. Public notice of the issuance of standing orders will be given in such manner and for such time as determined by the majority of the bankruptcy judges for the District of Kansas. Such notice will be given prior to the effective date of the Standing Order except in cases of emergency.

**LBR 9070.1**

**FILING - NUMBER OF COPIES**

See D. Kan. LBR 1007.1 and 9013.1.

## **LBR 9072.1**

### **EXHIBITS**

**(a) Exhibits to Pleadings or Papers.** Bulky or voluminous materials should not be submitted for filing with a pleading or paper or incorporated by reference therein, unless the materials are essential. The court may order any pleading or paper stricken if filed in violation of this rule.

**(b) Preparation of Trial Exhibits.** When practical, all documentary exhibits must be prepared for trial in the following manner:

- (1) Original exhibits must be premarked by counsel by affixing exhibit stickers thereto. Plaintiffs or movants must use numerical symbols, e.g., 1, 2, etc. Defendants must use alphabetical symbols, e.g., A through Z, AA, BB, etc. If there is more than one plaintiff and/or defendant in the case, the surname or corporate name of the offering party must be placed on the exhibit sticker for further identification.
- (2) Copies of exhibits must be prepared for the judge and each party; the original will be utilized by the witness.
- (3) An exhibit cover sheet in form prescribed by the clerk must be prepared for each set of exhibits. The original must be placed with the clerk and copies submitted to the parties and the judge.
- (4) Any document offered in a hearing or trial that is not clearly legible may be excluded by the court.

**(c) Withdrawal of Exhibits.** Exhibits introduced into evidence may be withdrawn from the custody of the clerk with permission of the clerk or upon order of the court. Any exhibit not withdrawn after final disposition of the proceeding may be destroyed or otherwise disposed of by the clerk.

## **LBR 9074.1**

### **JOURNAL ENTRIES AND ORDERS**

In all cases where the court directs that a judgment, decision, or ruling be settled by journal entry or order, it must be prepared in accordance with the direction of the court. In cases where the parties announce to the court that a matter is to be settled by agreement, a party must prepare the order. Counsel preparing the journal entry or order, whether at the direction of the court or under an announcement of agreement, must within 10 days, unless otherwise directed by the court, serve copies thereof on all other counsel involved in the matter who must, within 10 days after service, file and serve any objections in writing. The original journal entry or order must be submitted to the court at the time copies are served on counsel. If no objections are filed and served within 10 days of service, the court may enter the journal entry or order. The court will settle any objections to the journal entry or order.

## **LBR 9078.1**

### **CERTIFICATES OF SERVICE**

Certificates of service of papers must state:

- (1) the name and address of the attorney or party served;
- (2) the capacity in which such person was served (e.g., as attorney for debtor or a particular party);
- (3) the manner of service; and
- (4) the date of service.

## **STANDING ORDERS**

**AT THE TIME OF PUBLICATION OF THESE RULES, THE FOLLOWING STANDING ORDERS WERE IN EFFECT. FOR ADDITIONS, MODIFICATIONS OR DELETIONS TO THESE ORDERS, CONSULT THE CLERK'S OFFICE.**





**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS**

**STANDING ORDER NO. 02-1**

**PREPARATION AND FILING OF MATRIX**

Pursuant to D. Kan. LBR 1007.1, all petitions filed must be accompanied by a matrix. The matrix must be prepared in accordance with the following guidelines:

A. An optically scannable creditor(s) matrix (accompanied by a verification) is required when:

- (1) a new case (all chapters) is filed,
  - (2) an amendment to a case (all chapters) is filed containing additional creditors.
- This matrix must list only those additional creditors as listed on the amendment to schedules.

B. Matrices must be an **original** printed document on standard bond paper, which is free of lines, marks, or smudges.

C. Matrices must be prepared in one of the following standard typefaces or print styles: Courier 10 pitch, Prestige Elite 12 Pitch, or Letter Gothic 12 pitch. Character pitch must match character spacing. Do not use proportional spacing. **DOT MATRIX PRINTERS ARE NOT SCANNABLE AND WILL NOT BE ACCEPTED.**

D. Matrices must be typed in a single column with each line left justified. Addresses must be in a single column in order for the optical character reader to scan the material automatically from left to right, line by line.

E. Each name/address must consist of no more than 5 lines with the city, state and zip codes located on the last line. **DO NOT** type "attention" lines or account numbers on the last line. If needed, this information is to be placed on the second line of the name/address. There must be at least 2 blank lines between each of the name/address blocks.

F. All states must be two-letter abbreviations (both letters capitalized) and in conformance with postal abbreviations.

G. Lists must be typed so that no letters are closer than one and one-half (1 ½ ) inches from any edge of the paper.

H. Each line must not exceed 30 characters in length.

I. In conformance with U.S. Postal Service requirements, all addresses should be devoid of punctuation, e.g. periods or commas, any and all special characters, e.g. #, %, /, and ( ), except the hyphen in the ZIP+4 code. **The name and address must not be in all capital letters except for the two-letter state abbreviation.** This is the only exception to the U.S. Postal Service requirements.

J. **DO NOT** include the debtor, joint debtor, attorney for debtor, Interim Trustee, or U.S. Trustee on matrices. They will be retrieved automatically by the computer for noticing. The name of the debtor should be listed on the **REVERSE** side of each page for identification purposes.

- K. All creditors are to be alphabetized.
- L. Do not duplicate names and address.

A debtor may also file a disk in the format set forth in the “Clerk’s Instructions for Submitting a Matrix on a Disk.”

Dated this 31st day of January, 2003.

APPROVED:

/s/Robert E. Nugent  
ROBERT E. NUGENT, CHIEF JUDGE

/s/James A. Pusateri  
JAMES A. PUSATERI, JUDGE

/s/John T. Flannagan  
JOHN T. FLANNAGAN, JUDGE

/s/Janice Miller Karlin  
JANICE MILLER KARLIN, JUDGE

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF KANSAS**

**STANDING ORDER NO. 02-2**

**SCHEDULING, LISTING AND NOTICING  
THE UNITED STATES AS A CREDITOR**

**(a) Departments, Agencies and Instrumentalities of the United States.** If a department, agency, or instrumentality of the United States is a creditor, the schedules and matrix must list that agency at the address provided by Standing Order of the court. Any notice or service given to an address listed in the Standing Order will be in addition to any notice required by statute, rule or regulation.

**(b) United States Attorney's Office.** In all cases in which any department, agency or instrumentality of the United States is a creditor, the schedule of creditors and matrix must also list the United States Attorney's Office located in the division headquarters in which the petition for relief has been filed.

**(c) Register of Addresses.** This list of addresses constitutes the Clerk's register of mailing addresses as required by F.R.Bank.P. 5003(e).

If one of the following departments, agencies or instrumentalities of the United States is a creditor, the schedule and matrix should list the agency at the address indicated herein:

1. DEPARTMENT OF AGRICULTURE  
(excepting Farm Services Agency, Ag Credit Division and Commodity Credit Divisions; and Rural Economic Community Development, which are hereafter individually set forth)

Regional Counsel  
Department of Agriculture  
Post Office Box 419205  
Kansas City MO 64141-0205

Farm Services Agency  
Ag Credit Division  
3600 Anderson Avenue  
Manhattan KS 66503-2511

Farm Services Agency  
Commodity Credit Division  
3600 Anderson Avenue  
Manhattan KS 66503-2511

USDA Rural Development  
Suite 100  
1303 SW First American Place  
Topeka KS 66604-4040

USDA Centralized Servicing Center  
PO Box 66879  
St Louis MO 63166

2. DEPARTMENT OF EDUCATION (DOE)  
(Debtor(s)' Social Security Number must be included.)

Regional Director Region IX  
Department of Education  
Office of Postsecondary Education  
50 United Nations Plaza  
San Francisco CA 94102

3. DEPARTMENT OF HEALTH AND HUMAN SERVICES (HHS)  
(Debtor(s)' Social Security Number must be included.)

Department of Health and Human Services Region VII  
Office of the General Counsel  
601 East 12th Street Room 1711  
Kansas City MO 64106

4. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD)

Regional Counsel  
Department of Housing and Urban Development  
Professional Building  
400 State Avenue  
Kansas City KS 66101-2406

5. INTERNAL REVENUE SERVICE (IRS)

Internal Revenue Service  
271 W 3rd Street N Suite 3000  
STOP 5333 WIC  
Wichita KS 67202

6. SMALL BUSINESS ADMINISTRATION (SBA)

District Counsel  
US Small Business Administration  
Lucas Place

323 West 8th Street Suite 501  
Kansas City MO 64105; or

District Counsel  
U S Small Business Administration  
271 W Third Street North  
Suite 2500  
Wichita KS 67202-1212

7. SOCIAL SECURITY ADMINISTRATION  
(Debtor(s)' Social Security Number must be included.)

Office of General Counsel  
Social Security Administration Region VII  
Federal Office Building  
601 East 12th St Room 535  
Kansas City MO 64106

8. UNITED STATES POSTAL SERVICE

Law Department  
US Postal Service  
9350 South 150 East  
Suite 800  
Sandy UT 84070-2716

9. VETERANS ADMINISTRATION (VA)

District Counsel  
Veterans Administration  
5500 East Kellogg  
Wichita KS 67218

Dated this 31st day of January, 2003.

APPROVED:

/s/Robert E. Nugent  
ROBERT E. NUGENT, CHIEF JUDGE

/s/James A. Pusateri  
JAMES A. PUSATERI, JUDGE

/s/John T. Flannagan  
JOHN T. FLANNAGAN, JUDGE

/s/Janice Miller Karlin  
JANICE MILLER KARLIN, JUDGE